IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5194 OF 2004

Santosh @ Bala Bajrang Mane ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.S.V.Marwadi i/b Mr.Balaji Gadi for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 6, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. I am in agreement with the view taken by the Court below in rejecting the Bail Application preferred by the present Applicant. There is ample evidence regarding the involvement of the Applicant in the commission of offence. The Complainant is a child of 13 years. In all, there are three

eye-witnesses, who have identified the Applicant.

3. Having regard to the seriousness of the offence, not a case for bail. Besides, Mr.Mirza, learned A.P.P. has brought to my notice that there are 13 offences of similar nature against the present Applicant. To overcome this position, Counsel for the Applicant orally submits that the Applicant has been discharged in 11 cases, out of 13 cases. However, this statement is not made on oath, whereas, the assertion in the Bail Application in ground (c) is that the Applicant is on bail and facing trial in respect of other cases, where he has been involved. Reliance was placed on the decision of the Apex Court reported in **IV (2000) CCR 235 (SC) in the case of Shri Thukchuk Lachungpa vs. State of Sikkim.**

4. In the first place, in that case, the Apex Court was dealing with the offence punishable under Section 304 Part II of the Indian Penal Code. Besides, on affidavit, statement was made that except one case, in all other cases, the Applicant

was acquitted or discharged. Be that as it may, as there is ample material on record to connect the Applicant with the offence in question and the offence being serious in nature, not a case for bail. Rejected.

A.M.KHANWILKAR, J.